

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to commercial driver licensing

The Department of Transportation hereby amends Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 307A.2 and 321.180.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.180(2).

Purpose and Summary

The Department is adopting amendments to Chapter 607 to comply with 2017 Iowa Acts, House File 463, section 1, which amended Iowa Code section 321.180(2). The amendments to Chapter 607 change the validity period of a commercial learner’s permit (CLP) from 180 days to one year, update the affected implementation sentences and make corrections to the Department’s contact information. The following list explains each item in this rule making:

Item 1 amends subrule 607.2(1) to correct the name of the office responsible for administering this chapter and to strike an outdated telephone number.

Item 2 amends paragraph 607.20(1)“b” to change the validity period of a CLP from 180 days to one year. Previously, a CLP could be issued for a duration of 180 days, with an option to renew it for an additional 180 days. However, the Federal Motor Carrier Safety Administration issued an exemption that allowed states to forego renewal after 180 days and instead to make the CLP valid for one year; this exemption was first issued April 5, 2016, and was revised on November 29, 2016, to correct an oversight in its initial articulation. The Iowa General Assembly chose to amend the statute, Iowa Code section 321.180(2), and utilize the exemption to change the CLP period of validity to one year, which reduces costs and expense for the Department and eliminates renewals and unnecessary trips to licensing locations for CLP holders. This amendment updates the rule to conform with the statutory change.

Item 3 amends subrule 607.28(3) to conform with the statutory change. Since there will no longer be a CLP renewal, the provisions of this subrule which require that the skills test be retaken before issuance of a renewal no longer apply.

Item 4 amends subrule 607.31(1) to reflect the statutory change that the skills test results are valid for one year since the CLP period of validity is now one year rather than 180 days.

Item 5 amends the implementation sentence for rule 761—607.31(321) to reflect the aforementioned statutory change made to Iowa Code section 321.180(2).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 3, 2018, as **ARC 3532C**. No public comments or requests for oral presentations were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 13, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, these amendments are expected to have a positive impact on private sector jobs and employment opportunities in Iowa since the CLP renewal process was eliminated in favor of a one-year period of validity.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 18, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 607.2(1) as follows:

607.2(1) Information and location. Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license examination station. Assistance is also available by mail from the ~~Office of Driver and Identification~~ Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (800)532-1121 or (515)244-8725; by facsimile at (515)239-1837; or on the department's ~~Web site~~ [website at www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend paragraph **607.20(1)“b”** as follows:

b. A commercial learner's permit is valid for ~~180 days and may be renewed for an additional 180 days~~ one year without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188.

ITEM 3. Amend subrule 607.28(3) as follows:

607.28(3) Order. The skills test must be administered and successfully completed in the following order: pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test, and scores for the passed segments of the test are only valid during initial issuance of the commercial learner's permit. ~~If the commercial learner's permit is renewed, all three segments of the skills test must be retaken. However:~~

a. ~~If the applicant wants to remove an air brake restriction, full air brake restriction, or manual transmission restriction, the applicant does not have to retake the complete skills test, and may complete a modified skills test that demonstrates the applicant can safely and effectively operate the vehicle's full air brakes, air over hydraulic brakes, or manual transmission. In addition, to remove the air brake or full air brake restriction, the applicant must successfully perform the air brake pre-trip inspection and pass the air brake knowledge test.~~

~~b. If the applicant wants to remove the tractor-trailer restriction, the applicant must retake all three skills tests in a representative tractor-trailer.~~

ITEM 4. Amend subrule 607.31(1) as follows:

607.31(1) *Period of validity.* Passing knowledge and skills test results shall remain valid for a period of ~~180 days~~ one year.

ITEM 5. Amend rule ~~761~~—**607.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187 and 321.188.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/14/18.